



1095 Avenue of the Americas  
New York, NY 10036-6797  
+1 212 698 3500 Main  
+1 212 698 3599 Fax  
www.dechert.com

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**CHARLES I. PORET**  
*Of Counsel*

charles.poret@dechert.com  
+1 212 698 3532 Direct  
+1 212 314 0032 Fax

November 17, 2011

Hon. Joan M. Azrack  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East, Room 605N  
Brooklyn, New York 11201

Re: Iulian Cristian Radu v. Petruta Toader  
District Court 11-CV-1676 (ERK) (JMA)  
Second Circuit 11-3546-cv

Dear Magistrate Judge Azrack,

We write in response to the letter to Your Honor by Mrs. Toader which, while dated November 8, 2011, first appeared on the ecf system yesterday. We have been able to communicate with Mr. Radu in Bucharest, and have the following to report.

First, Mr. Radu categorically denies that he has ever threatened his son or used foul and inappropriate language with him during any of their telephone calls. Mr. Radu represents that the Child has never cried on the phone with him and has never said he does not wish for the two of them to speak. On the contrary, Mr. Radu has told us that his son asks when Mr. Radu will call him again, and has at times asked for Mr. Radu to call him every day. It is ludicrous and disingenuous for Mrs. Toader to assert that Mr. Radu would speak to his son in the manner she claims he has, and thereby risk that Mr. Radu's only contact with his son be terminated. In fact, had Mr. Radu acted as Mrs. Toader alleges, one would have expected Mrs. Toader to report such purported misconduct to Your Honor, which she never did. As to the charge that Mr. Radu has cursed and verbally abused Mrs. Toader, Mr. Radu not only denies that allegation, but points out that his telephone contact with Mrs. Toader has been limited to her answering the telephone when he calls to speak to his son; and as we noted in our November 7 letter, Mrs. Toader has at times refused to put the Child on the telephone, and has completely denied Mr. Radu's request to speak with his son by webcam.

The main point we wish to make now is that since I wrote to Your Honor on November 7, 2011 – the day before Mrs. Toader's response to you – Mrs. Toader has, so far, stopped interfering with the calls between Mr. Radu and his son. This cessation of interference exactly



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follows the past pattern of Mrs. Toader temporarily stopping her interference and coaching after I would complain to her former attorney, Mr. Tapalaga. Nevertheless, Mr. Radu wishes to spare his son the trauma of a hearing regarding their telephone contact if Mrs. Toader, now aware of the Court's involvement, continues her cessation of interference with and coaching on the calls. Accordingly, we respectfully withdraw our request for an immediate hearing on this issue, and reserve the right to again ask for a hearing if Mrs. Toader resumes her actions to sever Mr. Radu's lifeline with his son.

In my November 7 letter, I requested that you direct any questions to my colleague, Scott Kessenick. However, Mr. Kessenick will be on vacation from November 18 through November 27, and so if you have any questions or concerns during this time please contact me via my email address at [charles.poret@dechert.com](mailto:charles.poret@dechert.com).

Thank you for your consideration of the foregoing.

Respectfully submitted,

A handwritten signature in cursive script that reads "Charles I. Poret".

Charles I. Poret

cc. Mrs. Petruta Toader by mail